



THE CITY OF NEW YORK
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February 9, 2024

Via ECF

The Honorable Dale E. Ho
United States District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007

Re: E.E., et al. v. N.Y.C. Dep't of Educ., et al., No. 23 CV 10302 (DEH)

Dear Judge Ho:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for the Defendants in the above-referenced action. With the consent of Plaintiffs' counsel, I write to respectfully request a 3-day extension of the time by which to file Defendants' letter-motion to bifurcate, along with a concomitant adjustment of the briefing schedule.

The requested 3-day extension is necessary due to a recent and ongoing illness that has resulted in my absence from the office and impeded the finalization of the Defendants' letter motion. I regret that this illness has also meant that this application is made belatedly in contravention of the Court's Individual Rules and Practices in Civil Cases.

This is Defendants' first request for an extension of their time to file their letter motion to bifurcate. As noted, Plaintiffs' counsel has graciously consented to this request. A 3-day extension would move Defendants' deadline from today, February 9, 2024, to February 12, 2024. Counsel for the parties have conferred and propose the following briefing schedule to follow (which accounts for weekends and the intervening holiday): Plaintiffs' opposition papers due February 20, 2024; Defendants' reply papers (if any) due February 23, 2024; and Plaintiffs' sur-reply papers (if warranted) due February 28, 2024.

I thank the Court for its consideration of this request.

Sincerely yours,

/s/ *David S. Thayer*

David S. Thayer

cc: ***Via ECF***
All counsel of record

Application GRANTED.

Plaintiffs' opposition papers are due **February 20, 2024**; Defendants' reply papers, if any, are due **February 23, 2024**; and Plaintiffs' sur-reply papers, only if Defendants' reply raises an issue not previously addressed, are due **February 28, 2024**.

The Clerk of Court is respectfully requested to close ECF No. 21.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Dale Ho', with a stylized flourish extending to the right.

Dale E. Ho
United States District Judge
Dated: February 12, 2024
New York, New York